

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1305 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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POLICE HEAD CONSTABLES KARMA-CHARI MANDAL

Versus

STATE OF GUJARAT

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Appearance:

MR HARDIK RAVAL for Petitioners

MR NIGAM SHUKLA for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioners, Police Head Constables Karamchari Mandal, Western Railway and Police Constables Karamchari Mandal, Western Railway, through their Presidents, approached this Court by way of this Special Civil Application with a grievance that the respondent No.2 be directed to take only eight hours duty from the members of the petitioners-Unions. It has further been prayed that the

respondents may be directed to pay refreshment allowance for the days the members of the petitioners-Unions have worked for more than eight hours.

2. The learned counsel for the petitioners contended that under the Circular-Memo dated 25th October 1985, annexure 'A', of the Director General of Police, Gujarat State, Ahmedabad, it has been decided that policemen should be given only eight hours duty and they should also be given one day weekly off. But this Circular has not been given effect in the case of policemen working in the Western Railway as Railway police. The learned counsel for the petitioners further contended that under annexure 'B', the Government of Gujarat, Home Department, has taken a decision that for the reasons as stated in the Resolution dated 18th December 1985, when the policemen are deployed under extra ordinary or abnormal circumstances for a period of more than 12 hours at a stretch in their head quarter town during the grave situation involving disturbances of the public order or immediate threat to it or other causes, they shall be entitled for refreshment allowances as provided therein. But this benefit has also not been extended to the policemen working in the Railways. A reply to this petition has been filed.

3. I do not consider it necessary to go on the merits of the case because the nature of grievances which have been made by the petitioners-Unions in this case are to be resolved by the respondents by holding meetings and sitting around table. This petition has been filed by the association of employees and as such these associations should approach the Director General of Police, Gujarat State, with the grievances as made by them in this Special Civil Application and after hearing them, it is expected of the said authority to decide the said representation of the petitioners. In case the grievances of the petitioners made in this Special Civil Application are not admissible to the respondents, a reasoned order may be passed and a copy of the same may be given to the petitioners. It is further made clear that the respondent, Director General of Police, Gujarat State, may consider, taking into consideration the Circular memo dated 25th October 1985, and the the Government Resolution dated 18th December 1985, the aforesaid grievances of the petitioners. The petitioners may file the representation, if they so desire, in this respect to the Director General of Police, Gujarat State, within a period of two months from today. The Director General of Police, Gujarat State, after hearing the petitioners' representatives shall decide the said

representation, within a period of four months from the date of receipt of the said representation.

4. In the result, this Special Civil Application is disposed of in aforesaid terms. Rule stands disposed of subject to aforesaid observations. No order as to costs.

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(sunil)